

### **REMARKS**

Claims 1, 3 and 13-50 were pending in the present application. Claims 19-50 were previously withdrawn from consideration. Claim 1 has been amended. Support for the amendments to claim 1 can be found throughout the specification and claims as filed. Specifically, support for the amendments to claim 1 can be found, at least at page 15, line 24 to page 16, line 31; at page 18, line 11 to page 19, line 11; and at page 37, line 30 to page 38, lines 20. Upon entry of the present amendments, claims 1, 3, and 13-50 will be pending. No new matter has been added.

Amendment or cancellation of claims should not be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the right to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

### **Examiner's Interview**

Applicants thank the Examiner for the telephonic interview conducted on June 8, 2010 in which Applicants and the Examiner discussed claim amendments to obviate the pending rejections of claims 1, 3, and 13-18 under 35 U.S.C. § 103(a). Applicants have amended the claims accordingly and respectfully submit that the pending claims are in condition for allowance.

### **Rejections under 35 U.S.C. § 103(a)**

Claims 1, 3, 14, and 16-18 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhong *et al.* (J. Exp. Med. 1996, 184: 2061-2066, of record) in view of Kozono *et al.* (Nature 1994, 369: 151-154, of record) and Natarajan *et al.* (J. Immunol. 1999, 162:4030-4036). Specifically, the Examiner states that “given the open transitional language recited in instant claim 1, the references do teach the claimed invention as enunciated supra in the instant rejection” (see page 4 of the pending Final Office Action).

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution and in no way conceding to the Examiner's rejection, Applicants have amended claim 1 to recite “a spacerholder molecule, wherein said spacerholder molecule: (1) *consists of an*

*amino acid sequence* selected from the group consisting of PVSKMRMATPLLQA (SEQ ID NO:1); AAAAAAAAAAMAA (SEQ ID NO:2); AAAAAAAAAAAAAA (SEQ ID NO:3); AAAAAAAAAAAAAA (SEQ ID NO:4); ASMSAASAASMAA (SEQ ID NO:5); and the consensus sequence AAXAAAAAXAA (SEQ ID NO: 36), (2) is 13 or 15 amino acid residues in length, (3) *binds the peptide binding groove*, and (4) *is directly linked to a processable linker*, wherein the processable linker is linked to said MHC class II component” (emphasis added). Applicants respectfully submit that neither Zhong *et al.*, Kozono *et al.*, nor Natarajan *et al.*, either alone or in combination, teach or suggest the presently claimed spacerholder molecules. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 1, 3, 14, and 16-18 also stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhong *et al.* (J. Exp. Med. 1996, 184: 2061-2066, of record) in view of Kozono *et al.* (Nature 1994, 369: 151-154, of record), Natarajan *et al.* (J. Immunol. 1999, 162:4030-4036), Malcherek *et al.* (J. Exp. Med. 1995, 181: 527-436, IDS reference), and DiBrino *et al.* (J. Biol. Chem. 1994, 269(51): 32426-32434, of record). Specifically, the Examiner states that “given the open transitional language recited in instant claim 1, the references do teach the claimed invention as enunciated supra in the instant rejection” (see page 7 of the pending Final Office Action).

Applicants respectfully traverse the rejection. None of the references cited by the Examiner disclose the spacerholder molecules of the claims, as amended herein. Furthermore, one skilled in the art at the time of invention would have had no motivation to modify the sequences that are disclosed in Malcherek *et al.* and DiBrino *et al.* so as to generate the spacerholder sequences of the amended claims. Therefore, neither Zhong *et al.*, Kozono *et al.*, Nataragan *et al.*, Malcherek *et al.* nor DiBrino *et al.*, either alone or in combination, teach or suggest the spacerholder molecules of the amended claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 13-15 also stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhong *et al.* (J. Exp. Med. 1996, 184: 2061-2066, of record) in view of Kozono *et al.* (Nature 1994, 369: 151-154, of record) and Natarajan *et al.* (J. Immunol. 1999, 162:4030-4036) as applied to claims 1, 3, 14, and 16-18 above, and further in view of Crawford

*et al.* (Immunity. 1998, 8: 675-682, IDS reference). Specifically, the Examiner states that “given the open transitional language recited in instant claim 1, the references do teach the claimed invention as enunciated supra in the instant rejection” (see page 8 of the pending Final Office Action).

Applicants respectfully traverse the rejection. As described above, none of the references cited by the Examiner, either alone or in combination, teach or suggest the spacerholder molecules of the amended claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 13-15 also stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhong *et al.* (J. Exp. Med. 1996, 184: 2061-2066, of record) in view of Kozono *et al.* (Nature 1994, 369: 151-154, of record), Natarajan *et al.* (J. Immunol. 1999, 162:4030-4036), Malcherek *et al.* (J. Exp. Med. 1995, 181: 527-436, IDS reference), and DiBrino *et al.* (J. Biol. Chem. 1994, 269(51): 32426-32434, of record) as applied to claims 1, 3, 14, and 16-18, and further in view of Crawford *et al.* (Immunity. 1998, 8: 675-682, IDS reference). Specifically, the Examiner states that “given the open transitional language recited in instant claim 1, the references do teach the claimed invention as enunciated supra in the instant rejection” (see page 10 of the pending Final Office Action).

Applicants respectfully traverse the rejection. As described above, none of the references cited by the Examiner, either alone or in combination, teach or suggest the spacerholder molecules of the amended claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Rejections under 35 U.S.C. § 112, Second Paragraph**

Claims 1, 3, and 13-18 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner is of the opinion that claim 1 lacks antecedent basis for recitation of “wherein the spacerholder molecule is 12-15 amino acid residues in length” (see page 10 of the pending Final Office Action).

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution and in no way conceding to the Examiner’s rejection, Applicants have amended claim 1 to recite “a spacerholder molecule, wherein said spacerholder molecule...(2) is 13 or 15

amino acid residues in length” (emphasis added). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **CONCLUSION**

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at (617) 832-1000. If any fees are due, the Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to **Deposit Account No. 06-1448, Reference No. DFS-044.01.**

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